

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ROBERT LEE HOOD,)
)
)
Plaintiff,)
)
)
v.) 1:11CV687
)
)
SHAWNYA BOWMAN,)
)
)
Defendant(s).)

O-R-D-E-R

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on September 6, 2011, was served on the parties in this action. Plaintiff objected to the Recommendation (Doc. # 5) and filed an Affidavit apparently in support of his objections (Doc. # 6).

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's Recommendation, with the exception of Plaintiff filing a new complaint accompanied by the \$350.00¹ filing fee.

¹Effective December 1, 2013, the filing fee for a civil case is \$400.00 instead of \$350.00 as referenced in the Order and Recommendation of United States Magistrate Judge.

IT IS THEREFORE ORDERED that this action is filed and dismissed *sua sponte* without prejudice to Plaintiff filing a new complaint accompanied by the current filing fee of \$400.00. A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 30th day of September, 2014.

/s/ N. Carlton Tilley, Jr.
Senior United States District Judge